

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

BRIAN KEITH GARY, JR.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:22-CV-1749-SCJ-JSA
RICK CASE CARS, INC.,	:	
	:	
Defendant.	:	

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BRIAN KEITH GARY, JR.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:22-CV-1814-SCJ-JSA
BANK OF AMERICA	:	
CORPORATION <i>a/k/a</i>	:	
BANK OF AMERICA, N.A.,	:	
	:	
Defendant.	:	

**NON-FINAL REPORT AND RECOMMENDATION**

In light of the undersigned's recommendation that the above-captioned cases be arbitrated, *see* 1:22-CV-1749-SCJ-JSA, Doc. 15; 1:22-CV-1814-SCJ-JSA, Doc. 22, the undersigned finds that the issues raised in Plaintiff's Motion to Strike the

Affirmative Defenses in Rick Case Cars, Inc.'s Answer, 1:22-CV-1749-SCJ-JSA, Doc. 6, and Defendant Bank of America, N.A.'s Motion to Dismiss, 1:22-CV-1814-SCJ-JSA, Doc. 5, should be adjudicated by the arbitrator. Accordingly, the undersigned **RECOMMENDS** that Plaintiff's Motion to Strike the Affirmative Defenses in Rick Case Cars, Inc.'s Answer, 1:22-CV-1749-SCJ-JSA, Doc. 6, and Defendant Bank of America, N.A.'s Motion to Dismiss, 1:22-CV-1814-SCJ-JSA, Doc. 5, be **DENIED AS MOOT**.

**IT IS SO RECOMMENDED** this 22nd day of November, 2022.



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JUSTIN S. ANAND  
UNITED STATES MAGISTRATE JUDGE